

REMARKS/ARGUMENTS

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith, which place the application into condition for allowance. The present amendment is being made to facilitate prosecution of the application.

I. STATUS OF THE CLAIMS AND FORMAL MATTERS

Claims 1, 4-7, and 10-13 are currently pending. Claims 3 and 9 are hereby canceled. Claims 1, 7, and 13 are independent. Claims 1, 4-7, and 10-13 are hereby amended. No new matter has been introduced. Support for this amendment is provided throughout the Specification as originally filed.

Changes to the claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

II. REJECTIONS UNDER 35 U.S.C. §103

Claims 1, 3-7, and 9-13 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent No. 6,977,676 to Sato et al. (hereinafter, merely "Sato") in view of U.S. Patent No. 6,624,846 to Lassiter.

Applicants respectfully traverse this rejection.

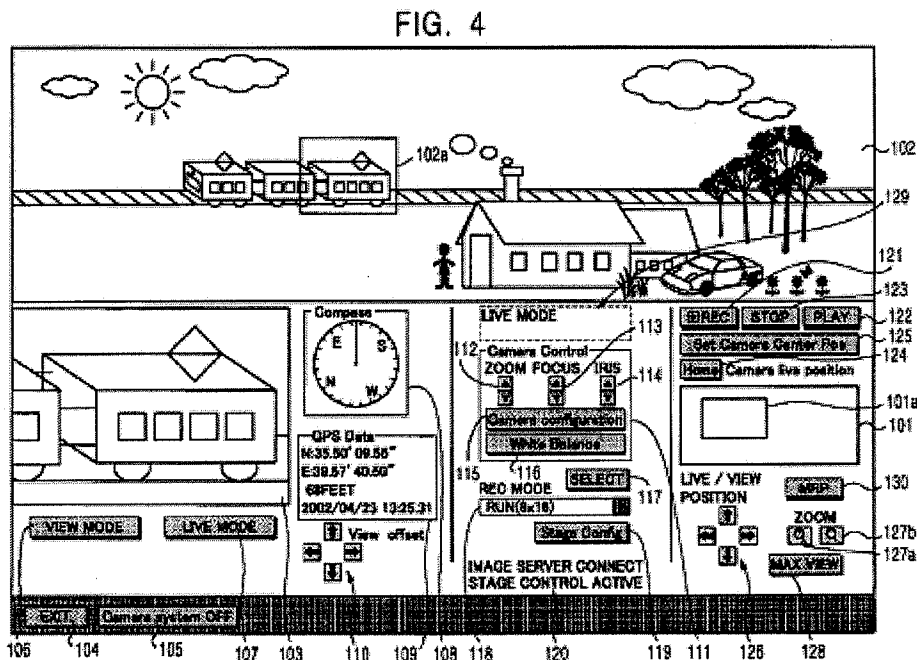
- First Argument

Claim 1 is representative and has been amended to recite, *inter alia*:

“wherein the movement range image display portion, the entire image display portion, and the specified image display portion are displayed simultaneously in mutually different regions that do not overlap one another.”

The invention as claimed claim 1, recites that three (3) display portions are displayed in mutually exclusive areas of the display. That is, there the display portions do not overlap one another.

The apparatus as claimed in claim 1, displays the movement range image display portion (101), the entire image display portion (102), and the specified image display portion (103) in regions of the display that are mutually exclusive and not overlapping. FIG. 4:



Neither Sato nor Lassiter discloses or renders predictable having all three display regions displayed simultaneously in mutually exclusive regions of the display as recited in claim 1.

For reasons similar or somewhat similar to those described above with regard to independent claim 1, independent claims 7 and 13 are also believed to be patentable.

- Second Argument

The Office Action, at page 6, rejected claim 1, asserting Official Notice. Applicant respectfully challenges the assertion of Official Notice.

Assertions Not Properly Officially Noticed or Not
Properly Based Upon Common Knowledge

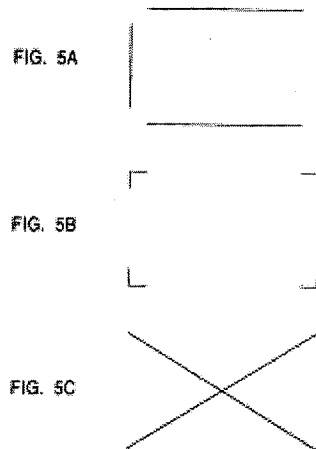
Claim 1 is representative and recites:

“wherein the movement range image display portion does not display all images from the first camera unit that are within the movement range . . . displays only . . . particular images selected from the group consisting of images showing four sides of the movement range, images showing the four corners of the movement range, and images showing the four corners and center of the movement range.” (emphasis added)

Referring to FIGS. 4 and 8 of the present application, there is a movement range image display portion 101. The movement range image display portion displays a maximum movement range image. Publ. App. par. [0061]. That is, the movement range image display portion is provided that displays a maximum movement range image displayed in the movement range image display portion taken by moving the camera unit over the widest range capable and photographing in increments of frames. Publ. App. par. [0097].

All of the images in the movement range are not displayed. Instead, various arrangements may be made so that the range displayed on the entire image display portion 102 is alternatively displayed on the movement range image display portion 101. As recited claimed in

claim 1, specific other arrangements of displayed images include showing the four sides of the range displayed in the entire image display portion 102 as indicated in FIG. 5A, showing the four corners of the range displayed in the entire image display portion 102 as indicated in FIG. 5B, and showing the four corners and center of the range displayed in the entire image display portion 102 as indicated in FIG. 5C. Publ. App. par. [0064] and FIGS. 4 and 5A-5C.



From the MPEP 2144.03(E): “Any rejection based on assertions that a fact is well-known or is common knowledge in the art without documentary evidence to support the examiner’s conclusion should be judiciously applied. Furthermore, as noted by the court in *Ahlert*, any facts so noticed should be of notorious character and serve only to ‘fill in the gaps’ in an insubstantial manner which might exist in the evidentiary showing made by the examiner to support a particular ground for rejection. *See, for example, In re Zurko*, 258 F.3d 1379, 1386; *In re Ahlert*, 424 F.2d 1088, 1092.”

Further, “[a]s noted by the court in *In re Ahlert*, 424 F.2d 1088, 1091 (CCPA 1970), the notice of facts beyond the record which may be taken by the examiner must be ‘capable of such

instant and unquestionable demonstration as to defy dispute.' (citing *In re Knapp Monarch Co.*, 296 F.2d 230, 132 USPQ 6 (CCPA 1961))." MPEP 2144.03 (emphasis added).

The Office Action at page 6, last full paragraph, cites no additional reference and states "The examiner takes Official Notice that it is old and well known in the art to display only a specific range of an image in a specific portion of a display and leave the rest of the display unused, this specific portion of the display displaying a specific range of an image shows the sides, corners, and center of image."

Applicant contends the Office Action depends on a mere conclusory statement and an impermissible reliance on Official Notice. Applicant contends when, as described in claim 1, there are three (3) mutually exclusive display portions, one of those display portions including a plurality of images designating a range of movement over which images may be displayed in another display portion, it is not insubstantial or inconsequential to describe the range of movement as recited in the claim: selecting one (1) of three (3) specific patterns of particular images, the patterns of images "selected from the group consisting of [a]images showing four sides of the movement range, [b] images showing the four corners of the movement range, and [c] images showing the four corners and center of the movement range." (bracketed identifiers added for clarity).

The particular technique recited in claim 1 is not of notorious character or insubstantial, as asserted in the Office Action. Certainly, that feature is not capable of "**instant and**

unquestionable demonstration as to defy dispute.” These features are neither “basic knowledge” nor “common sense.” In re Lee, 277 F.3d 1338, 1345 (Fed. Cir. 2002) (“Deficiencies of the cited references cannot be remedied by the Board's general conclusions about what is ‘basic knowledge’ or ‘common sense.’”). Applicants contend that claim 1 recites substantive features that can not be overcome with Official Notice.

Thus, in accordance with MPEP 2144.03(C) and so that the record of prosecution be complete, Applicants respectfully request documentary evidence under 37 C.F.R. 104(c)(2) of the elements recited in claim 1, or an affidavit of the Examiner under 37 C.F.R. 104(d)(2) setting forth specific factual statements and explanation to support the facts asserted.

III. DEPENDENT CLAIMS

The other claims are dependent from one of the claims discussed above and are therefore believed patentable for at least the same reasons. Because each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

CONCLUSION

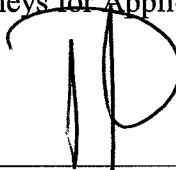
Claims 1, 4-7, and 10-13 are in condition for allowance. In the event the Examiner disagrees with any of statements appearing above with respect to the disclosure in the cited reference, or references, it is respectfully requested that the Examiner specifically indicate those portions of the reference, or references, providing the basis for a contrary view.

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable and Applicants respectfully request early passage to issue of the present application.

Respectfully submitted,

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